

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL NO. 1:22-CR-41
1:22-MC-35
(KLEEH)

ERICA TOLLIVER,

Defendant.

ORDER ADOPTING REPORT AND RECOMMENDATION CONCERNING DRUG COURT
COMPLETION AND SCHEDULING SENTENCING HEARING

On May 28, 2024, United States Magistrate Judge Michael J. Aloï issued a Report and Recommendation ("R&R") [ECF No. 20 in case 1:22-cr-41 and ECF No. 38 in case 1:22-MC-35], recommending that this case be remanded to the District Court due to Defendant Erica Tolliver's completion of the Federal Drug Court Program.

The Magistrate Judge also directed the parties to file any written objections to the R&R within fourteen (14) days after service of the R&R. He further advised that failure to file objections would "constitute a waiver of de novo review by the District Court and a waiver of appellate review by the Circuit Court of Appeals." Neither Tolliver nor the Government filed objections to the R&R. Accordingly, this Court **ADOPTS** the Magistrate Judge's R&R [ECF No. 20 in case 1:22-cr-41].

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The Office of Probation shall update the presentence investigation report with addendum and provide the same to the Court on or before **August 5, 2024**; and

Counsel may file any written sentencing memoranda or statements and motions for departure from the Sentencing Guidelines, including the factual basis for the same, on or before **August 12, 2024**.

The Court further **ORDERS** that prior to sentencing, counsel for Defendant review with her the revised Standard Probation and Supervised Release Conditions adopted by this Court on November 29, 2016, pursuant to the standing order entered by Chief Judge Groh, In Re: Revised Standard Probation and Supervised Release Conditions, 3:16-MC-56.

The Court will conduct the **Sentencing Hearing** for Defendant on **August 19, 2024**, at **1:30 P.M.**, at the **Clarksburg, West Virginia** point of holding court. If counsel anticipates having multiple witnesses or an otherwise lengthy sentencing hearing, please notify the Judge's chamber staff so that an adequate amount of time can be scheduled.

It is so **ORDERED**.

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COMPLETION AND SCHEDULING SENTENCING HEARING**

The Clerk is directed to transmit copies of this Order to counsel of record, the Office of Probation, and the United States Marshals Service.

DATED: June 14, 2024



THOMAS S. KLEE, CHIEF JUDGE
NORTHERN DISTRICT OF WEST VIRGINIA